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10 *Attorneys for Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, as*  
11 *substituted party for Christiana Trust, a division of Wilmington Savings Fund Society, FSB, not*  
12 *in its individual capacity but as Trustee of ARLP Trust 3*

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 U.S. BANK TRUST, N.A., AS TRUSTEE FOR  
16 LSF9 MASTER PARTICIPATION TRUST,

17 Plaintiff,

18 vs.

19 9796 MOUNT CUPERTINO TRUST,  
20 KENNETH BERBERICH AS TRUSTEE, an  
21 unknown entity; DOES I through X; and ROE  
22 CORPORATIONS I through X, inclusive,

23 Defendants.

Case No.: 2:15-cv-02295-RFB-NJK

24 **STIPULATION AND ORDER TO EXTEND**  
25 **TIME TO RESPOND TO 9796 MOUNT**  
26 **CUPERTINO TRUST & KENNETH**  
27 **BERBERICH'S MOTION TO DISMISS**  
28 **U.S. BANK'S FIRST AMENDED**  
**COMPLAINT**

**[FIRST REQUEST]**

29 Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust as  
30 substituted party for Christiana Trust, a division of Wilmington Savings Fund Society, FSB, not  
31 in its individual capacity but as Trustee of ARLP Trust 3, ("U.S. Bank"), and Defendant, 9796  
32 Mount Cupertino Trust and Kenneth Berberich, as Trustee (hereinafter "Cupertino Trust" or  
33 "Buyer"), by and through their respective counsels of record, hereby stipulate as follow:

34 **STIPULATION**

35 1. Buyer filed its Motion to Dismiss ("Motion") on April 28, 2019 [EFC No. 44]

- 1 2. Current deadline to file the response to the Motion is May 13, 2019.
- 2 3. U.S. Bank requests additional time to file a response to the Motion and the Buyer
- 3 does not object to the request.
- 4 4. Therefore, the parties agree that U.S. Bank's response to the Motion is now due on or
- 5 before **May 28, 2019.**
- 6

7 DATED this 13<sup>th</sup> day of May, 2019.

DATED this 13<sup>th</sup> day of May, 2019.

8 WRIGHT, FINLAY & ZAK, LLP

AYON LAW, PLLC

9 /s/ Rock K. Jung, Esq.

/s/ Luis A. Ayon/, Esq.

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15 Las Vegas, NV 89117

*Kenneth Berberich, as Trustee*

16 *Attorneys for Plaintiff, U.S. Bank Trust, N.A.,*

*as Trustee for LSF9 Master Participation*

*Trust, as substituted party for Christiana*

*Trust, a division of Wilmington Savings Fund*

*Society, FSB, not in its individual capacity but*

*as Trustee of ARLP Trust 3*

17 **Case Number: 2:15-cv-02295**

18 **ORDER**

19 IT IS SO ORDERED.

20 Dated this 14<sup>th</sup> day of May, 2019.

21   
22 RICHARD F. BOULWARE, II  
23 UNITED STATES DISTRICT JUDGE  
24

25 Submitted by:

**WRIGHT, FINLAY & ZAK, LLP**

/s/ Rock K. Jung, Esq. \_\_\_\_\_

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*as Trustee for LSF9 Master Participation*

*Trust, as substituted party for Christiana Trust,*

*a division of Wilmington Savings Fund Society,*

*FSB, not in its individual capacity but as Trustee*

*of ARLP Trust 3*